



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) NO.1240 OF 2023

- 1) Ramdas Ramsingh Chavan, Aged about 70 years, Occ. Agriculturist, R/o Panchala, Tq Manora, District : Washim.

.... Petitioner(s)

// VERSUS //

- 1) Executive Engineer, Minor Irrigation Division No.2, Akola, District : Akola, presently at Washim, District : Washim.
- 2) The State of Maharashtra, Through Collector Washim,
- 3) The Sub Divisional Officer @ Land Acquisition Officer, Mangrulpir, District : Washim.

... Respondent(s)

Shri Sajid Varshani, Advocate for the Petitioner/s
Shri H.D. Dubey, AGP for the Respondent Nos.1 to 3/State

CORAM : ANIL S. KILOR, J.
DATED : 01.09.2023

ORAL JUDGMENT :

1. Heard.
2. **Rule.** Rule made returnable forthwith. Heard finally by consent by the parties.

3. The amendment application moved by the petitioner, seeking amendment to the reference filed under Section 18 of the Land Acquisition Act, 1894, came to be rejected vide impugned order dated 10.11.2022. The amendment sought is as under:

“Proposed Amendment

a] Page No.5, para no.E line no.3 “year 1994 may be deleted, year 1993 may be inserted” with the following sentence. “The petitioner has purchased the orange plants for the purpose of plantation from one Dinesh Nursery Sendurjana (Ghat), Tq. Warud, Dist. Amravaati, on dated 10/06/1993 and planted all the trees in the acquired land during that period. That thereafter, prior to acquisition the valuation from Shri Borkar Expert in the region of Horiculture has been done in the year 1999.”

2] On page no.6 para no.7 (c) “in place of Rs.5,000/-, Rs.10,000/- per orange tree may be inserted.”

In place of “Rs.24,00,000/-, Rs.48,00,000/- may be inserted.” In place of total “Rs.35,63,850/-, Rs.59,63,850/- may be inserted.”

Further in place of total claim of “Rs.33,58,005/-, Rs.57,58,005/-” may be inserted.

Further in page no.7 para no.10 in place of “Rs.33,58,000/-, Rs.57,58,005/- may be inserted,” and in place of court fees of “Rs.27,015/-, Rs.41,415/-” may be inserted.”

4. The learned Reference Court rejected the application by recording the reasons as follows:

“7. ... Thus after going through the record, it seems that though it is the contention of the claimant that, while drafting the petition due to poor financial condition to avoid heavy stamp

duty he has restricted his claim regarding orange trees at the rate or Rs.5,000/- per orange tree. However, in the reference petition no where mentioned by the claimant that due to poor financial condition to avoid heavy stamp duty he has restricted his claim regarding orange trees at the rate of Rs.5,000/- per orange trees. In such circumstances, at this stage I do not find substance in the submissions made on behalf of the claimant to that effect. I am of the view that if this application rejected no right of the claimant will be prejudiced. So, the application filed by the claimant for amendment in a reference petition is deserve to be rejected. Hence, I answer point No.1 in the negative and in the result in answer to point No.2 I pass the following order.”

5. Admittedly, till date, evidence is not recorded and after going through the proposed amendment, it is evident that the amendment is in relation to the correction of claim amount and some dates.

6. In the circumstances, I am of the opinion that the learned Reference Court ought to have adopted a liberal approach in this matter. Accordingly, the pass the following order:

(i) The writ petition is **allowed**.

(ii) The order below Exh.22 dated 10.11.2022 passed by Civil Judge Senior Division, Mangrulpir in Land Acquisition Case No.02 of 2016, is hereby quashed and set aside.

(iii) The application Exh.22 for amendment in Land Acquisition Case No.02 of 2016, is hereby **allowed**.

Rule accordingly. No costs.

[ANIL S. KILOR, J.]